

E. Remarks

The claims are 1-37, with claims 1-4 being independent. Claims 1-3 and 17-30 have been withdrawn from consideration. Claim 4 has been amended to address section 112, second paragraph, issues and to better define the presently claimed invention. Support for this amendment may be found throughout the specification and the drawings, particularly at page 29, lines 9-18, and in Fig. 2E. Claim 7 has been amended for clarification. The specification has been amended to correct a number of informalities, to reflect the changes in the drawings and to correct typographical and grammatical errors. No new matter has been added. Reconsideration of the claims is expressly requested.

The drawings are objected to by the Examiner. Specifically, the Examiner has alleged that reference number 9 in Figs. 1G and 2G is not mentioned in the specification. Also, the Examiner has made the same allegation regarding reference number 12 in Fig. 4B. In addition, the Examiner objected to the use of each of reference numbers 11 and 12 in multiple figures to represent different structural components.

With respect to reference number 9, Applicants have deleted this number from the drawings in the enclosed substitute Figs. 1G and 2G. With respect to reference number 12 in Fig. 4B, this number refers to a wedge shaped member, which is discussed on page 31. Accordingly, Applicants have amended the specification to insert reference number 12 on page 31. With respect to the repeated use of reference numbers 11 and 12, while Applicants believe that it is not required to use different numerical identifiers in the present case, for convenience, Applicants have renumbered the positive resist and the resist pattern in Figs. 6A and 6B as 16 and 17, respectively, and made the appropriate changes in

the specification. The requisite substitute drawing sheets are enclosed. Accordingly, Applicants request that the objection to the drawings be withdrawn.

The specification and the abstract are objected to because of several informalities. Applicants have amended the specification and the abstract to correct the informalities and respectfully request that the objection be withdrawn.

Claims 7-12 are objected to because of several informalities. Specifically, the Examiner found references to the processing region confusing. Applicants have amended claim 7 to clarify the description of the processing regions and respectfully request withdrawal of this objection.

Claims 4-16 and 31-37 stand rejected under 35 U.S.C. § 112, second paragraph, as being allegedly indefinite. Specifically, the Examiner has alleged that claim 4 does not recite any active, positive method steps. Applicants have amended claim 4 to clarify the process steps and respectfully request that the indefiniteness rejection be withdrawn.

Claims 4-16 and 31-37 stand rejected under 35 U.S.C. § 102(e) as being allegedly anticipated by U.S. Patent No. 6,475,704 B1 (Iwasaki). The grounds of rejection are respectfully traversed.

Prior to addressing the merits of rejection, Applicants would like to briefly review some of the features of the presently claimed invention. The present invention is directed to a method of manufacturing a diffractive optical element by transferring a mask pattern to a workpiece. This method comprises defining a shape of a vertical portion of the diffractive optical element by using a first mask and defining the shape of a slant portion of the diffractive optical element by a second mask in a processing region determined by the

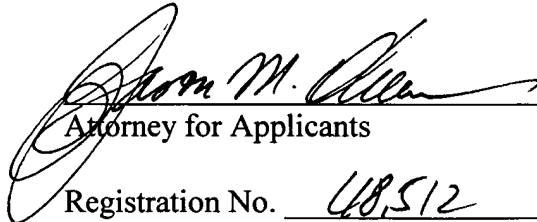
first mask. The second mask has a surface that is tilted obliquely in accordance with the shape of the slant portion of the diffractive optical element.

Iwasaki discloses a method of forming a diffractive optical element having a step-like structure using plural masks. In every mask in Iwasaki, however, the mask surface is parallel to the surface of the workpiece. Iwasaki does not disclose or suggest a mask having a surface that is tilted obliquely in accordance with the shape of the slant portion of the diffractive optical element, as presently claimed. Accordingly, it is clear that the presently claimed invention is patentable over Iwasaki.

Wherefore, Applicants respectfully request that the outstanding anticipation rejection be withdrawn and that the present case be passed to issue.

Applicants' undersigned attorney may be reached in our New York office by telephone at (212) 218-2100. All correspondence should continue to be directed to our address given below.

Respectfully submitted,



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